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August 20, 2020

VIA CM/ECF

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

Re: Goureau, et al. v. Marcus Lemonis, et al.; Case No. 1:20-cv-04691-MKH
Letter motion requesting extension to respond to Plaintiffs' First Amended complaint

Honorable Judge Vyskocil:

We represent Defendants Marcus Lemonis, ML Retail, LLC, and Marcus Lemonis, LLC (collectively, "ML Defendants"), in the above-referenced action brought by Nicolas Goureau and Stephanie Menkin (collectively, "Plaintiffs"). We respectfully submit this letter-motion pursuant to Rule 2.G of Your Honor's Individual Rules of Practice in Civil Cases to request an extension for ML Defendants to answer or otherwise respond to Plaintiffs' First Amended Complaint (Dkt. 24), filed August 17, 2020.

Per Federal Rule of Civil Procedure 15(a)(3), the current response deadline for ML Defendants is August 31, 2020. ML Defendants seek an extension until **September 16, 2020**.

Good cause exists for the requested extension. Plaintiffs have added extensive new allegations which impact all parties, including new alleged predicate acts under their purported RICO claim. Plaintiffs also seek to add a new party—Machete Corporation—who has not yet appeared in the litigation but who Plaintiffs allege took part in the purported RICO conspiracy (which ML Defendants deny exists). Given the nature of these claims and allegations, as well as the breadth of the alleged conduct (allegedly spanning at least six years), ML Defendants request additional time to determine how to respond to Plaintiffs' First Amended Complaint and otherwise proceed in the action.

Plaintiffs consent to Defendants' requested relief and have offered to file a stipulation to that effect with the Court. A copy of email correspondence confirming Plaintiffs' consent is annexed hereto as **Exhibit A**. Defendants have made no prior requests for an extension of time to respond to Plaintiff's First Amended Complaint. Defendants do not make this request for delay but so that justice may be done.



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For these reasons, Defendants Marcus Lemonis, ML Retail, LLC, and Marcus Lemonis, LLC respectfully request that Your Honor extend their deadline to answer or otherwise response to Plaintiffs' First Amended Complaint until September 16, 2020.

Respectfully submitted,

SEYFARTH SHAW LLP

A handwritten signature in blue ink, appearing to read 'J. M. Coleman', written over a horizontal line.

Jesse Coleman

JMC

Enclosure

cc: Gerard Fox - via CM/ECF (w/o enclosure)
Lauren M. Greene - via CM/ECF (w/o enclosure)
Maja Lukic - via CM/ECF (w/o enclosure)